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ABSTRACT

The paper provides some background on the development of education in America including pioneers in the education of the handicapped and discusses the provisions of P.L. 94-142, the Education for All Handicapped Children Act. Part I considers the development of general education with sections on state education agencies, local level government, and state level government. In Part II, the history of special education is traced from the late eighteenth century to the present and the mandates of P.L. 94-142 are briefly considered. (SBH)

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ORGANIZATION AND ADMINISTRATION OF SPECIAL EDUCATION IN PUBLIC SCHOOLS IN THE UNITED STATES

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June 27, 1978
Stirling, Scotland

Rapid changes are occurring today which influence the organization and administration of special education for exceptional children in the United States.

Advances in medical science have eliminated many handicapping conditions, but others have come to light. This is just one example. Social and economic changes influence our cause. The Council for Exceptional Children has been wise in calling together for this Congress leaders from all over the world in order that we can exchange ideas, study problems and seek goals for the future.

In essence, the sole purpose for organizing and administering schools is to provide opportunities for learning. Thousands and thousands of handicapped children require special instructional programs. The classroom environment fosters respect for the self-image of each child and can contribute to the strengthening of the self-concept even of severely handicapped children and youth. Our next step will be achieved when all children can have access to such an opportunity. For large numbers of these children equality of opportunity (which tends to mean sameness) is not enough. Instructional programs recognize

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that learning is in the learner and that i is a creative process. Such a program enlists the individual child's motivation.

The enactment of a federal law, Public Law 94-142, the Education for All Handicapped Children Act in 1975 and the need to interpret and carry out its provisions has added to the challenge facing public education in our country. The provisions of this Act will be discussed later in this paper but in summary, it mandates that a "free appropriate education" must be provided for all handicapped children. While the Education for All Handicapped Children has long been our objective, and throughout this century enormous progress has been made in this direction, the new federal law puts some teeth into the plan.

BACKGROUND

But, before going futher, I will try to sketch some background on the development of education in America including pioneers in the education of the handicapped. Otherwise, it might be difficult for those not familiar with American education to understand how special education fits into that system.

There are three levels of administration in public education in the United States and sometimes additional intermediate relationships.

Before the formation of constitutional government in the United States, there was a loose federation of states. Education was highly valued, but there were differences of opinion as to what education should be and how it should be administered. To

illustrate the concern for education, let us look at an example.

Puritan fathers in the Massachusetts colony enacted legislation requiring each town of 50 or more houses to provide and pay for a "teacher of reading and writing", and each town with 100 or more houses was to provide a "grammar school" to prepare students for university studies. This action set a precedent which eventually was to be widely copied in the other colonies.

The above example is even more important when one considers during the early years, much of American education, particularly in the East, remained under private auspices. It was administered mainly by local boards of education. There were numerous residential schools, also administered by private boards.

Part One

General Education and the Cultures in Which It Developed

The U. S. Constitution left all powers not expressly specified as federal to the states. Education was one of these. This accounts, to a large extent, for the variation in school programs from state to state and community to community.

But the federal commitment to education was reflected from time to time in specific ways. When the Northwest Ordinance of 1787 (affecting certain territories west of the Ohio River) was passed, it mandated that space must be reserved for a "common school" in each township.

> The Ordinance reserved no less than one-seventh of the Northwest Territory 'for the use of the continental army.' It also reserved four lots in each township for the United States, and one lot 'for the maintenance of public schools'.

Thus, when such states as Ohio, Indiana, and Wisconsin were admitted to the union, land had already been set aside for educational purposes.

Common schools expanded rapidly after the formation of the United States, but not all citizens agreed on who should be educated and who should have the opportunity for public education. Debates on public support for education raged for decades between those who did not believe in it at all and those like Henry Barnard and Horace Mann who campaigned for it. Eventually in 1867 (91 years after the Independence of our country) the Congress authorized and established a Department of Education with a Commissioner of Education and four clerks to "collect" and "disseminate information" and to "otherwise promote the cause of education throughout the country." One can see that this mandate from the federal government is only a little over 100 years old.

Thus began the three levels of organization of American education: federal, state and local. It should be remembered that today only 8-10% of the cost of public elementary and secondary education is borne by the federal government. In varying proportions the other major costs of education are shared by state and local education agencies.

State Education Agencies

State departments of education seem to have been originally organized primarily for data gathering, regulation of certain activities, and professional leadership, but their responsibilities varied widely from state to state. By 1900, there were only 177 professional educators in the state education agencies (and probably none in special education). Today, the number of professional educators employed by state education agencies is somewhere between 12,000 and 15,000 and about 500 special educators.

Just a few more words must be said about general education before we talk specifically about education of the handicapped.--for by and large the public programs for exceptional children and youth fit into the structure of general education.

Let us take a quick overview of the functions carried out at the local and state levels.

Local Level of Government

In the local communities, elected boards of education give general directions to the local schools. They:

1. Employ a superintendent and delegate many functions to him and his staff. The policy is carried out by the local superintendent.
2. Local school administration is responsible for professional standards of teachers (often adopts those of the state).
3. Curriculum guides and supervision (which again will be influenced in varying degrees by state standards).

4. Works with parents and laymen.
5. Other

State Level of Government

The state staff:

1. Interprets and administers state laws. This is a very important function since the state enactments define many aspects of a school program.
2. Gives professional leadership.
3. Carries budget responsibilities.
4. Develops broad curriculum goals.
5. Monitors relationships with the federal government and with local school systems.
6. Develops and monitors other relationships with government and private agencies.
7. Identifies problems and tries to work out solutions.

Part Two

The Development of Special Education

This sketchy historical description of general education in the United States has been presented because special education is a part of general education and to create the understanding that even while opportunities for education were expanding, a number of children were excused or excluded from school. It was not until 1918 that all states had compulsory attendance laws. Many handicapped children were "out of school" either by exclusion or by excuse.

Prior to 1900, there was very little educational opportunity for handicapped children except as they were cared for in institutions which were usually of the residential or asylum type. These were most commonly provided for children who had hearing or vision impairments or who were mentally retarded. By 1900, a few cities, notably New York, Detroit and Providence had day school programs for some certain handicapped children, but these usually were assisted by private agencies. Transportation, for example, to a public school might be provided by a private agency.

By 1920, a few states had passed some categorical legislation, but this was quite limited. Many of the problems of educating handicapped children were not yet identified and in some cases, there were no known solutions to these.

As late as 1938, when the Conference of State Directors of Special Education met in Washington, D. C. for the first time, they were not sure what categories of children should be included in special education. They were not even sure what responsibilities state education agency personnel should assume for administering state programs. They were desperately in need of advice and the opportunity for more exchange of information from one state to another. This was the beginning of the organization which 40 years later is known as the National Association of State Directors of Special Education, which I am representing here. It has had enormous growth in membership and leadership and promises to be an even more effective organization in the years ahead. The staff

work closely with the Bureau of Education for the Handicapped, Department of Health, Education, and Welfare, other government agencies, The Council for Exceptional Children, Easter Seal and other private agencies. In the last two or three years, NASDSE has produced numerous publications which help in the administration of local, state and federal programs for the handicapped. It is helping to prepare its membership for the administration of Public Law 94-142.

We must always remember that any movement such as special education is related to other social developments. From 1930 to 1950, a number of federal laws were passed designed to improve the care and protection of children, but those did not include provisions for basic education. Forward-looking Congressmen recognized that in order to round out a program for the handicapped there was need for a federal contribution to education. But there was resistance by many people to the authorization of any kind of federal aid at the elementary and secondary education level due to the long standing tradition of local autonomous control.

To show how limited our educational provisions were, even at mid-century, only about 10-15% of the total estimated children in need of special education had access to it. This included children enrolled at the elementary and secondary level in special schools of various kinds, special units or classes in regular schools, hospitals, institutions, or home instruction.

An analysis of state legislation shows progress, but also many limitations. State laws to help the handicapped had been passed but most of them were categorical and many were permissive rather than mandatory. For example, in 1949 only 18 states reported a law authorizing state aid for the mentally retarded. At that time far more states were providing for various kinds of physical handicaps. In the next 25 years, however, enormous changes were to be made. In 1963, statistics on enrollment of children in special education--part or full time--showed 50% of the children in need of special education were receiving it.

If one compares the legislative study of 1949 with the recent study of profiles on legislation, one sees that the states have made enormous strides. All states have some special education laws and the age range of children benefiting from these has been widely extended both upward and downward.

About mid-century a very powerful parent group known as the National Association for Retarded Children was besieging Congress for laws and funds to develop well-rounded programs for the mentally retarded. They underscored the value of a three-pronged approach to the problem of mental retardation, that is (1) research, (2) professional preparation of personnel, and (3) direct aid programs.

This group joined many other forces petitioning the Congress for help in Education. In 1958, there was a breakthrough when the Congress authorized P.L. 85-926, to Expand Teaching in the Education of the Mentally Retarded. This law had a far reaching impact

on special education and is still benefiting us today. It served as a precedent for the Office of Education to administer a federal program, and it began the high level preparation of leadership people to work in the field of special education. It also formed the basis for the amendment of P.L. 88-164, which extended training benefits to all areas of the handicapped. A number of laws have been passed since then, and a list of some of these is attached.

The Education for All Handicapped Children Act, Public Law 94-142

Now let's take a look at the provisions of this new federal law to see why it is such a rallying point. In brief, it mandates that educational opportunity be provided for all handicapped children. This has been our American dream, a true goal toward which we have been making progress, but the new federal law, accompanied by Federal funds, makes the goal more attainable. Among its provisions, it requires that each handicapped child be located and evaluated and that an appropriate educational plan be made for him. The process by which the child's program is decided involves the parents and the child as well as representatives from responsibile agencies and the public schools. The schools must assure that no child is excluded from an appropriate education. Certain provisions of the law are being debated. For example, some see a heavy emphasis on mainstreaming in the word appropriate educational facility, while others interpret this to

mean special facilities for many children.

It is easy to see that the federal government is taking a larger responsibility in the education of the handicapped, as evidenced by P.L. 94-142. It places on the state education agencies new duties. The state must make sure that the federal monies are used by the local schools in the manner required by the law.

Today we are very heavily involved in the provisions of administering the law. In summary, this law will carry us forward in the large march of American citizens to provide special education--suitable education for all children. P.L. 94-142 will recede into history as another milestone.